

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN DOE, et al.,

Plaintiffs,

V.

STATE OF NEBRASKA, et al.,

Defendants.

JOHN DOE,

Plaintiff,

V.

ATTORNEY GENERAL JON
BRUNING,
et al.,

Defendants.

JOHN DOE,

Plaintiff,

V.

NEBRASKA STATE PATROL, et al.,

Defendants.

8:09CV456

**MEMORANDUM
AND ORDER**

4:09CV3258

4:09CV3266

JOHN DOE I, et al.,)	
)	4:10CV3003
Plaintiffs,)	
)	
v.)	
)	
ATTORNEY GENERAL JON)	
BRUNING, et al.,)	
)	
Defendants.)	
_____)	
)	
JOHN DOE,)	4:10CV3004
)	
Plaintiff,)	
)	
V.)	
)	
STATE OF NEBRASKA, et al.,)	
)	
Defendants.)	
_____)	
)	
JOHN DOE,)	4:10CV3005
)	
Plaintiff,)	
)	
V.)	
)	
STATE OF NEBRASKA, et al.,)	
)	
Defendants.)	
_____)	

These cases are similar. Thus, I ordered and held a joint status conference with counsel of record on January 21, 2010. The conference was recorded. After hearing the views of counsel,

IT IS ORDERED that:

1. These six cases are consolidated for all purposes including trial and discovery. Counsel and the Clerk are ordered to proceed as follows when filing documents and otherwise processing these cases:
 - A. *John Doe, et al., v. State of Nebraska, et al.*, Case No. 8:09CV456 (D. Neb. 2009) is hereby designated as the “Lead Case.” The other five cases are each designated as a “Member Case”;
 - B. The court’s CM/ECF System now has the capacity for “spreading” text among the consolidated cases. If properly docketed, the documents filed in the Lead Case will automatically be filed in all Member Cases. To this end, the parties are instructed to file in the Lead Case, Case No. 8:09CV456, all further documents except those described in paragraph C below and to select the option “yes” in response to the System’s question whether to spread the text;
 - C. The parties may not use the spread text feature to file complaints, amended complaints, and answers; to pay filing fees electronically using pay.gov; to file items related to service of process; or to file notices of appeal. Those things must be separately filed in the particular case to which the documents relate;
 - D. If a party believes that an item in addition to those described in paragraph C above should not be filed in all the consolidated cases, the party must move for permission to file the item in one or more individual member cases. The motion must be filed in all the consolidated cases using the spread text feature.

2. The motions to consolidate (filings No. 82 and 88 in 8:09CV456; filing 11 in 4:09CV3258; filing 2 in 4:09CV3266) are granted as provided herein but otherwise denied.
3. By agreement of the parties, any demand for a jury is withdrawn. The consolidated cases are designated as non-jury cases.
4. By agreement of the parties, all plaintiffs shall have the benefit of the preliminary injunction previously issued in the "Lead Case."
5. This matter is referred to Judge Zwart for further progression and the issuance of scheduling packet tailored to the needs of the consolidated cases.
6. Each of the defendants is given until February 8, 2010 to answer or further plead. The motion for extension of time (filing 12 in 4:09CV3266) is granted as provided herein and otherwise denied.
7. The motion to intervene and related motion to use fictitious names (filings 70 and 71 in 8:09CV456) are denied without prejudice because no proposed pleading was filed as required by Fed. R. Civ. P. 24(c).
8. The motions to withdraw as attorneys (filings 94 and 304 in 8:09CV456) are granted.
9. The motion to remand (filing 8 in 4:09CV3266) is denied.

DATED January 21, 2010.

BY THE COURT:

Richard G. Kopf

United States District Judge